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Letter dated 13 March 2014 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

I have the honour to forward to you a letter from the Special Representative of the Syrian Coalition to the United Nations, dated 13 March 2014, in relation to the briefing by Mr. Lakhdar Brahimi, Joint Special Representative of the United Nations and the League of Arab States for Syria (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Karel J. G. **van Oosterom**

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Annex to the letter dated 13 March 2014 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

On behalf of the National Coalition of Syrian Revolution and Opposition Forces, it is my honour to share with you the Coalition's assessment of the first two rounds of the Geneva Conference on Syria, in advance of the Joint Special Representative for Syria's briefing of the United Nations Security Council on 14 March 2014.

Throughout the Geneva Conference, the goal of the Syrian Coalition was clear and consistent: to end the Syrian conflict by discussing and agreeing on the full implementation of the Geneva Communiqué. This objective has been endorsed by, among others, the Secretary-General of the United Nations, the Joint Special Representative for Syria and the Security Council, which, in resolution 2118 (2013), called for "the convening, as soon as possible, of an international conference on Syria to implement the Geneva Communiqué" ... "beginning with the establishment of a transitional governing body exercising full executive powers, which would include members of the present Government and the opposition and other groups and shall be formed on the basis of mutual consent ..." (S/RES/2118 (2013)), and further, in Security Council resolution 2139 (2014), calling for "a genuine political transition" with the "comprehensive implementation of the Geneva Communiqué ..." (S/RES/2139 (2014)).

Throughout the Geneva Conference, the Syrian Coalition engaged in negotiations proactively and constructively. At every session, we put forward positive and implementable positions, and stood ready to discuss all aspects of the Geneva Communiqué in the hope of bringing peace to our country. In Geneva, we introduced a statement of basic principles, in which we proposed a transitional framework that meets the requirements of the Geneva Communiqué as well as the democratic aspirations of the Syrian people, and we publicly affirmed our commitment to international humanitarian law and stressed the need for serious and responsible action by all parties to facilitate the entry of aid convoys into besieged areas. We also expanded the representation of our delegation in Geneva, including representatives of the Free Syrian Army and other groups active on the ground in Syria.

The delegation of Mr. Assad, by contrast, has sought merely to obfuscate the issues and delay the process. Repeatedly, the regime's delegation has shown itself unwilling or unable to address the core issues raised in the Geneva Communiqué and has refused the Joint Special Representative's insistence that both parties discuss the formation of a transitional governing body. Instead, Syrian regime delegates resorted to name-calling and slander. Subsequent to the last round of negotiations, regime authorities in Syria detained a sibling of a member of our delegation, and it was revealed that the Government placed most of our delegates' names on a terrorist list for arrest and seizure of most of their assets and property.

Despite the Assad regime's intransigence, the Syrian Coalition departed from Geneva after the last round, having agreed to the agenda proposed by the Joint Special Representative. We also agreed to discuss the first two items on the agenda, namely, the end of violence and the formation of a transitional governing body, respectively and in parallel, which the regime did not accept. The Syrian Coalition was reassured by the Joint Special Representative's approach — in particular, his

commitment to ensure that the core focus of the talks will be to make progress on the implementation of the Geneva Communiqué, including foremost the establishment of a transitional governing body. The establishment of a transitional governing body remains the primary objective of the Syrian Coalition in Geneva. This is the only way to end the conflict in Syria, to effectively stop the violence and combat terror, and to create the basis for a sustainable, peaceful future for our country. As we have stated repeatedly, such a body must ensure the continuity of functional state institutions within a framework that reforms, redefines its role and restructures it in accordance with human rights and professional standards, so as to enable all Syrians to come together to protect civilians and to address the serious threats that impede our country's safety, including that of terrorism.

The regime's obstinacy is further demonstrated by its continued refusal to allow free and unfettered humanitarian access to the besieged cities. We read with great concern the latest briefing of the Office of the United Nations High Commissioner for Human Rights, "Living under siege", in which it is reported that the vast majority of the people trapped in besieged areas are being held by Syrian regime forces and security agencies. In these cases, Syrian regime forces have been responsible for shelling and aerial bombardment that have caused high numbers of casualties and damaged or destroyed objects indispensable to the survival of the civilian population. In addition, the Syrian regime has failed to allow safe passage for persons protected by international humanitarian law out of besieged areas, and has refused to guarantee care for the wounded and sick. As the Office has noted, these actions represent a failure by the Syrian regime to guarantee its citizens' right to life, food, water, health and shelter and constitute flagrant violations of the Syrian regime's legal responsibilities, as defined by international humanitarian and human rights law.

Even during the recent delivery of aid to Old Homs, hundreds of male evacuees were detained by regime forces. Despite the condemnation of the Office of the High Commissioner for Human Rights, the Syrian regime refused to allow a neutral third party to supervise detainees' conditions, as a result of which the fate of more than a hundred boys and men remains unknown.

In addition, the Geneva negotiations will lose their purpose if Mr. Assad proceeds with his plan for presidential elections and nominates himself to stay in office, as has been stated by regime officials on several occasions. If this happens, it means that the Assad regime has no desire and is not serious about agreeing on the political transition, as stipulated in the Geneva Communiqué. This will lead to the collapse of the entire political process and Syria will enter an endless vortex of bloody violence.

The need to end the conflict in Syria has never been clearer. More than 5,000 Syrians have been killed since the Geneva Conference began. This death toll is unsustainable. Yet despite their lack of progress, the talks in Geneva remain the most realistic chance to end the conflict in Syria and to establish a transitional governing body. On this basis, of agreeing on the Transitional Governing Body and full implementation of the Geneva Communiqué, the Coalition expects to return to Geneva for subsequent talks, as stated in the agenda proposed at the last meeting, stressing the inseparability of the negotiations and the first two items on the agenda, respectively and in parallel, as suggested by Mr. Brahimi. We will continue to turn to the Security Council, the General Assembly and all other legitimate actors, to

take all measures to ensure that the talks succeed. Without ensuring at a future round of negotiations that the Government delegation is authorized and prepared to follow the agenda seriously, and to discuss in detail the mechanisms of the formation of the Transitional Governing Body, the talks will be a waste of time and will give licence to the Government to continue the killing of civilians and the arrests of hundreds of innocent people. Our delegation has stated its agreement with the items of Mr. Brahimi's proposed agenda, specifically to pursue the objectives of stopping the violence and forming the Transitional Governing Body, respectively and in parallel.

The Security Council has an essential role it is obliged to play in ensuring the success of the Geneva Conference on Syria. Members of this Council must do more to ensure that the Assad regime and its allies are ready to negotiate the technicalities and the tools of implementation for forming a transitional governing body, as stipulated by the Geneva Communiqué and Security Council resolution 2118 (2013), and as demanded by the Joint Special Representative. Should the Syrian regime continue to refuse to engage on the core issue of transition, then on behalf of the Syrian people, the Syrian Coalition implores the Security Council to consider all measures that might compel the regime to reconsider.

(*Signed*) Ahmad **Al Jarba**
President
Syrian National Coalition